

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
BigZoo.com Corporation)	File No. EB-04-IH-0504
)	
)	NAL/Acct. No. 200532080020
)	
)	FRN 0009726001
)	

ORDER OF FORFEITURE

Adopted: February 18, 2005

Released: February 23, 2005

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Order of Forfeiture, we assess a monetary forfeiture of \$20,000 against BigZoo.com Corporation ("BigZoo"). The noted violation involves BigZoo's failure to respond to a directive of the Enforcement Bureau ("Bureau") to provide certain information and documents pursuant to a Commission Letter of Inquiry ("LOI").¹

II. BACKGROUND

2. The facts and circumstances surrounding this case are set forth in the *Notice of Apparent Liability for Forfeiture* issued by the Bureau in December 2004, and need not be reiterated at length here.² BigZoo sells prepaid long distance phone service, and is therefore a telecommunications carrier providing interstate service that is required to contribute to the Universal Service Fund ("USF") under section 54.706 of the Commission's rules.³ In October 2004, the Universal Service Administrative Company ("USAC") referred BigZoo to the Bureau for action concerning its failure to fully and timely contribute to the USF. Thereafter, by letter dated October 15, 2004, the Bureau initiated an investigation into whether the company violated, among other things, section 54.706 of the Commission's rules, and directed BigZoo to provide certain specified documents and information within twenty calendar days of the date of the letter, *i.e.*, by November 4, 2004.⁴ Through counsel, BigZoo subsequently asked for two extensions of time for response, and the Bureau granted them, ultimately postponing the date for response to November 23, 2004.⁵ To date, the Bureau has not received any response to the LOI.⁶

¹ Letter from Eric J. Bash, Assistant Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Pantipa Sarai, BigZoo.com Corp. (Oct. 15, 2004) ("LOI").

² See *BigZoo.Com Corporation*, Notice of Apparent Liability for Forfeiture and Order, DA 04-3983 (Enf. Bur., released Dec. 21, 2004) ("NAL").

³ 47 C.F.R. § 54.706(a).

⁴ See LOI.

⁵ *BigZoo NAL*, *supra* note 2, at 2.

3. On December 21, 2004, the Bureau issued the *NAL* for forfeiture in the amount of \$20,000. The *NAL* ordered BigZoo to pay the forfeiture or respond to the notice, as well as to respond to the LOI, within 30 days.⁷ This notice was sent to BigZoo's last known address via certified mail and email. As of the date of the release of this order, BigZoo has still not filed a response to LOI, and has not paid the forfeiture amount or submitted a response to the *NAL*.

III. DISCUSSION

4. As discussed in the *NAL*, section 503(b)(2)(B) of the Act authorizes the Commission to assess a forfeiture against telecommunications carriers of up to \$130,000 for each violation or each day of a continuing violation, up to a statutory maximum of \$1,325,000 for a single act or failure to act.⁸ In determining the appropriate forfeiture amount, we consider the factors enumerated in section 503(b)(2)(D) of the Act, including "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."⁹ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has willfully or repeatedly violated the Act or a Commission rule.¹⁰ In exercising such authority, we have the discretion to adjust the forfeiture amount based on the particular facts and circumstances of the violations.

5. In the *NAL*, we proposed a forfeiture of \$20,000 for BigZoo's apparent violation of a Commission order by willfully and repeatedly failing to respond to a Bureau directive to provide certain information and documents.¹¹ We noted the base forfeiture of \$3,000 for failure to file required forms of information, and the base forfeiture of \$4,000 for failure to respond to a Commission communication, but concluded that the circumstances here warranted a substantial increase from these amounts.¹² We explained that BigZoo's misconduct "exhibits a disregard for the Commission's authority that cannot be tolerated, and, more importantly, threatens to compromise the Commission's ability to adequately investigate violations of its rules."¹³

6. By failing to respond to the *NAL*, BigZoo has failed to identify facts or circumstances to persuade us that there is a basis for modifying the proposed forfeiture, and we are not aware of any further mitigating circumstances sufficient to warrant a reduction of the forfeiture penalty. For these reasons, we hereby impose a forfeiture of \$20,000 for BigZoo's failure to respond to a Commission communication as set forth in the *NAL*.

⁶ *Id.*

⁷ *Id.* at 5.

⁸ 47 U.S.C. § 503(b)(2)(B). *See also* 47 C.F.R. § 1.80(b)(2); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 19 FCC Rcd 10945 (2004).

⁹ 47 U.S.C. § 503(b)(2)(D).

¹⁰ *See, e.g., SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, ¶ 4 (2002).

¹¹ *BigZoo NAL*, *supra* note 2, at 5.

¹² *Id.* at 4.

¹³ *Id.*

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that BigZoo.com Corporation SHALL FORFEIT to the United States government the sum of \$20,000 for willfully and repeatedly violating the Commission's rules.

8. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹⁴ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account No. and the FRN referenced above. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, and P.O. Box 73482, Chicago, Illinois 60673-7482. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C., 20554.¹⁵

9. IT IS FURTHER ORDERED that a copy of this Order shall be sent by first class mail and certified mail return receipt to BigZoo.com Corporation, 55 S. Lake Avenue, Suite 700, Pasadena, CA 91101

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹⁴ 47 U.S.C § 504(a).

¹⁵ See 47 U.S.C § 1.1914.